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FISCAL IMPACT STATEMENT

LS 7758

BILL NUMBER: SB 505

NOTE PREPARED: Jan 6, 2005

BILL AMENDED:

SUBJECT: Bias crimes.

FIRST AUTHOR: Sen. Broden

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill makes commission of a crime because of the color, creed, disability, national origin, race, religion, sexual orientation, or sex of the victim an aggravating circumstance: (1) that may be considered by a judge when the judge imposes a sentence for the crime; and (2) that, in a murder case, may provide the grounds on which the state seeks the death penalty. This bill also makes it discrimination in jury selection, a Class A misdemeanor, for a public servant having the duty to select or summon persons for grand jury or trial jury service to knowingly or intentionally fail to select or summon a person because of the person's sexual orientation.

Effective Date: July 1, 2005.

Explanation of State Expenditures: *Penalty Provision:* This bill could increase the length of incarceration of a person who commits a crime that is determined to be a bias crime. The average expenditure to house an adult offender was \$21,514 in FY 2004. If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Background Information: The Federal Bureau of Investigation receives reports from local law enforcement agencies of bias-motivated crimes against persons because of race, religion, sexual orientation, ethnicity/national origin, and disability status. In 2003, the FBI received 48 reports of bias-motivated crimes against persons and property in Indiana from 139 participating law enforcement agencies. These agencies cover about 50% of Indiana's population.

Explanation of State Revenues: *Penalty Provision:* Under current law, it is a Class A misdemeanor for a public servant to knowingly or intentionally fail to select or summon a person for grand jury duty because of the person's color, creed, disability, national origin, race, religion, or sex. The bill adds sexual orientation. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: *Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Federal Bureau of Investigation, *2003 Hate Crime Statistics*.

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